



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/817,539	04/02/2004	Gary L. Bush	GLB002	2517

7590 09/07/2007

Jack V. Musgrove
2911 Briona Wood Lane
Cedar Park, TX 78613

EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 09/07/2007

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE

U.S. Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
---------------------------------	-------------	---	---------------------

EXAMINER

ART UNIT	PAPER
----------	-------

20070905

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

See attached Notice of Non-Responsive Amendment.

Notice of Non-Response Amendment

1. The reply filed on July 2, 2007 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

Pursuant to 37 CFR 1.111 "in order to be entitled to reconsideration or further examination, the applicant or patent owner must reply to the Office action." As specified in 37 CFR 1.111(b) "[t]he reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references."

In the response filed July 2, 2007, applicant has amended claims 1, 27, and 54 and included a discussion as to the patentability of these claims over the prior art of record. This response is fully responsive, as to these claims, to the Final Office action mailed March 5, 2007 and the Advisory action mailed May 24, 2007. However, in the response filed July 2, 2007 applicant has also maintained independent claims 15, 19, 42 and 46 in their original form but has provided no discussion as to the how these claims are patentable over the applied references as required by 37 CFR. 1.111.

In particular, the examiner notes that in regard to at least claims 15 and 42, applicant's only assertion as to the patentability of these claims over the applied references appeared in the response filed May 14, 2007 that:

"[w]ith further regard to Claims 15-18 and 42-46, Applicant incorporates the arguments from the previous response, to the effect that Johnson never teaches an activation time of 1 second or less before combustion such that the travel time is less than a resonance relaxation time of the simulated component. Johnson states that the excitation occurs in the carburetor which is too far removed from the combustion location."
(5/14/07 response, p. 17)

Art Unit: 3749

However, this argument was fully addressed in the Advisory action mailed May 24, 2007, which stated:

Applicant also argues that Johnson never teaches an activation time of 1 second or less before combustion. To this end applicant contends that "Johnson states that the excitation occurs in the carburetor which is too far removed from the combustion location." The examiner respectfully disagrees.

In response, the examiner notes that Johnson states the following:

"[d]esirably, a pulsed field is established near the point of fuel combustion that has an output range that will excite the molecular or elemental structure of fuel components of portions of constituent elements." (Johnson, p. 1, lines 33-42).

and;

"[b]eneficial results of similar nature might be available if the excitation filed is provided in the fuel and air intake channels of the engine or at the combustion chamber itself." (Johnson, p. 3, lines 60-63) (*emphasis added*).

and;

"...beneficial results may be obtained where the activation apparatus is applied at different zones from that shown and described. Maximum benefits might actually be obtained when the apparatus is positioned at locations other than the specific place shown and described." (Johnson, p. 5, lines 45-50).

Each of these statements in Johnson appears to conflict with applicant's assertion. Accordingly, applicant's argument has been considered but is not persuasive.
(5/24/07 Advisory action, p. 4)

Applicant's response filed May 24, 2007 contains no discussion as to the rationale behind applicant's statements that conflict with the plain disclosure of Johnson, nor any rationale as to why at least claims 15 and 42 are not properly rejected over the prior art of record.

Applicant must submit comments as to the patentability of at least claims 15, 19, 42 and 46 over the prior art of record or other appropriate response.

Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer,

Art Unit: 3749

within which to supply the omission or correction in order to avoid abandonment.

EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).


USPTO Contact Information

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Josiah Cocks whose telephone number is (571) 272-4874. The examiner can normally be reached on M-F 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven McAllister, can be reached (571) 272-6785. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

jcc
September 5, 2007


JOSIAH COCKS
PRIMARY EXAMINER
ART UNIT 3749